

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CHURRASCARIA PORCAO, LTDA, et al.,

Plaintiffs,

-against-

08 Civ. 9343 (LAK)

S & F NEW YORK, LLC, et al.,

Defendants.  
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**ORDER**

LEWIS A. KAPLAN, *District Judge*.

Plaintiffs moved for a default judgment against S & F New York, LLC ("S&F"). The motion was granted and the Court signed and entered, with certain modifications, the form of judgment submitted by plaintiffs. Plaintiffs now move, pursuant to Fed. R. Civ. P. 60, to amend the judgment in two respects.

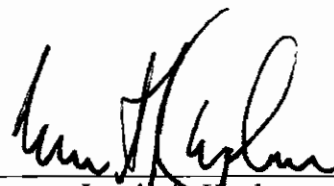
First, plaintiffs correctly point out that the judgment does not award the \$277,278.76 in damages they sought. They also correctly note the reason: they forgot to put it into the judgment they submitted. There is no reason, however, not to correct that mistake.

Second, plaintiffs now ask that the default judgment be amended to award them attorneys fees against a different defendant, Carlos Cure, on the ground that he guaranteed their payment. The problem, however, is that plaintiffs obtained a default judgment only against S&F, not against Mr. Cure.

Accordingly, plaintiffs' motion [DI 45] is granted to the extent that the Clerk shall amend the judgment to provide that plaintiffs shall recover of defendant S&F the sum of \$277,278.86. The motion is denied in all other respects.

SO ORDERED.

Dated: November 23, 2009



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Lewis A. Kaplan  
United States District Judge